

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

: _____ :

UNITED STATES OF AMERICA, :

Plaintiff, :

vs. :

NO: 99-CV-1435 GAG

COMMONWEALTH OF PUERTO RICO, :

PUERTO RICO POLICE DEPARTMENT, :

Defendants. :

: _____ :

TRANSCRIPT OF PART 1 - FOURTH PUBLIC HEARING ON POLICE REFORM
HELD BEFORE THE HONORABLE JUDGE GUSTAVO A. GELPÍ
JOSÉ V. TOLEDO U.S. COURTHOUSE, OLD SAN JUAN, PUERTO RICO
WEDNESDAY, AUGUST 10, 2016, BEGINNING AT 1:15 P.M.

: _____ :

A P P E A R A N C E S:

UNITED STATES DEPARTMENT OF JUSTICE
Civil Rights Division, Special Litigation Section
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BY LUIS E. SAUCEDO, ESQUIRE
For the Plaintiffs

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DEPARTMENT OF JUSTICE-FEDERAL LITIGATION DIVISION
P.O. Box 9020192
San Juan, Puerto Rico 00902
BY JOEL TORRES-ORTÍZ
For Defendant Commonwealth of Puerto Rico and
Puerto Rico Police Department

ALSO PRESENT:

Sonia Cardona, Courtroom Deputy
Carlos Lao, Spanish Interpreter

Part 1 - Fourth Public Hearing

1 (The Court enters the room.)

2 THE COURTROOM DEPUTY: All rise.

3 The United States District Court for the
4 District of Puerto Rico is now in session. The
5 Honorable Judge Gustavo A. Gelpí presiding. All
6 those having business before this Court shall draw
7 near, give your attention and you shall be heard.
8 God save the United States of America and this
9 Honorable Court.

10 (Address the public in English.)

11 THE COURT: Please be seated. Good
12 afternoon. Let's have my courtroom deputy please
13 call the matter for this afternoon.

14 THE COURTROOM DEPUTY: Civil case
15 No. 12-2039. The United States of America versus the
16 Commonwealth of Puerto Rico, et al. Set for fourth
17 public hearing. The parties will be identified by
18 the Court.

19 THE COURT: Good afternoon, everybody. And
20 as a preliminary matter, as in the past three public
21 hearings, we have an English language interpreter, a
22 translator. So, all the proceedings will be
23 conducted in Spanish but there will be a simultaneous
24 translation into English for the record, as required
25 by the Jones Act. So, I will proceed to give myself

Part 1 - Fourth Public Hearing

1 leave to address everybody in Spanish and everybody
2 else who will be addressing the Court will do so in
3 Spanish. But, again, the official record is in
4 English and it's simultaneous. That way we will
5 avoid interruptions and we will proceed in a much
6 shorter manner.

7 (Address the public in Spanish.)

8 Good afternoon, to all. Thank you for being
9 here. Above all, I want to recognize the presence of
10 the governor of Puerto Rico. It's a pleasure for the
11 Court. And the governor is going to be here to be
12 able to share his experience from the context of the
13 reform of the Police of Puerto Rico.

14 I want to also recognize the presence of
15 Counsel Saucedo from the Department of Justice who is
16 here; Attorney César Miranda, Secretary of Justice;
17 Superintendent José Caldero, superintendent of the
18 police and the advisor of the Department of Justice;
19 and other personnel from the Puerto Rico Police. And
20 we all know them very well, so I'm not going to do
21 make a long introduction greeting each and every one.

22 So, just to give you a background, I want to
23 state that this afternoon, this hearing, is probably
24 sui generis because it's the first time that a
25 governor in power in Puerto Rico appears of his own

Part 1 - Fourth Public Hearing

1 initiative to the United States District Court to
2 state his opinion on an issue of such importance as
3 the reform of the police. This not only lacks of
4 precedence but it's a historic event, and I feel
5 totally satisfied to have the privilege of presiding
6 over this hearing.

7 Before going into specific which make this
8 hearing very significant, I want to talk a little bit
9 about the real reason for which we're all present
10 here and obviously it is this police reform.

11 As we all know, the Puerto Rico Police began
12 a transformation process because of the signing of
13 the agreement between the United States and the
14 government of the Commonwealth of Puerto Rico. This
15 agreement for a sustainable reform of the police of
16 Puerto Rico aspires for a fundamental change to what
17 it means being a member of the Puerto Rico police.

18 So much so that it would turn the members of
19 the police and agent into catalyst of change to keep
20 equilibrium, a balance, between the struggle with
21 criminal activity and statutes of the state that
22 limit its intermission to the private lives of
23 citizens. The Puerto Rico Police member not only has
24 a challenge to serve the community, sustain law and
25 order, but also ensuring that the state will observe

Part 1 - Fourth Public Hearing

1 those limitations, those that we colloquially know as
2 civil rights.

3 In the beginning, the agreement appears to
4 be a list of procedures to follow and reach a
5 professional attitude within the police career.
6 These instructions are organized by subjects. And
7 these subjects are: Professionalism; use of force;
8 search and seizures; equal protection of the laws and
9 zero discrimination; recruitment, selection and
10 appointments; policies and procedures; trainings;
11 administrative supervision; internal affairs;
12 administrative and disciplinary complaints;
13 interaction with the community; public information;
14 and technology information systems.

15 However, this agreement does not limit
16 itself to only a list of steps. On the contrary,
17 these are the steps that are done strategically to
18 ensure that the goal can be reached. And one of the
19 first goals is the training of the agency, the Puerto
20 Rico Police.

21 The police accepted the responsibility of
22 investing its first four years in developing its
23 training to ensure the continuity of the process
24 without the intervention of external elements to the
25 agency. It's precisely this period in which the

Part 1 - Fourth Public Hearing

1 police is in right now.

2 This isn't an easy task. It requires true
3 commitment and the utmost diligence all so that the
4 Police of Puerto Rico can reach that day in which it
5 would be capable of tending to what is expected of
6 them.

7 As an example, as recently as last week, an
8 unexpected event came to light which put the full
9 magnitude of the process of the Reform. The
10 technical compliance advisor, Colonel Claudio, and
11 Colonel Clementina Vega, who are here present,
12 traveled to the Municipality of Peñuelas to speak to
13 the people that were protesting in front of the
14 Peñuelas landfill. There were also interested
15 parties present: The company, the public. The
16 result was that Colonel Claudio and Colonel Vega
17 served to ensure that the participation of the police
18 was in accordance to its duties and needs of society.

19 Of course the situation in Peñuelas required
20 an extraordinary situation before it became something
21 that was irreversible. However, the office of the
22 police reform and Superintendent Caldero and everyone
23 acted with expediency to stabilize the situation.
24 And all this occurred between Sunday and Monday and
25 it was resolved officially. So, that's an example of

Part 1 - Fourth Public Hearing

1 how little by little things are done and achieved
2 here and eventually without a monitor.

3 And we can appreciate that The Reform is
4 something continuous where everybody who does work in
5 the process does it without rest at every moment,
6 24 hours a day, seven days a week, 365 days a year --
7 and if it's a leap year, then 364.

8 So, this isn't a reform just on paper; it's
9 something that has to be done completely and fully.
10 That has been the result of the work and message
11 going into the agreement.

12 As we enter into the content of the
13 Agreement, we have to recognize that the agreement is
14 much more than a list of orders. It's an invitation
15 to do something that it's transcendental. It is a
16 change of ideology, a completely radical approach to
17 what it means to be an officer of the Puerto Rico
18 Police. This is a great task to be done.

19 We must remember that governmental
20 intercession is as resistive to change as those who
21 would compose it. However, this is the progress that
22 the agency wants where change has to be received and
23 be done in an active and positive manner. Regarding
24 this, we recognize that The Reform can be a very
25 rigorous task to which an agency has been submitted

Part 1 - Fourth Public Hearing

1 not only in Puerto Rico but in all the United States.
2 So, that's something that we recognize and we
3 applaud.

4 In the meanwhile, the Puerto Rico Police has
5 mobilized everybody to be able to accomplish the
6 creation of many mechanisms that simply did not exist
7 before The Reform. For example, the policy governing
8 the use of force, search and seizure. This policy is
9 accompanied by the implementation of non-lethal
10 weapons such as Taser, pepper gas, in addition to the
11 training and design of these. If we look at the
12 nightsticks, they're not like the ones which existed
13 before which looked like baseball bats. They are
14 retractable, they're not as lethal but they're just
15 as effective. The firearm has stopped being the only
16 alternative to deter crime.

17 And as a judge, I can say that I've seen a
18 drastic reduction in the last years of cases where a
19 police officer has been sued because of a death, and
20 I foresee that they will continue to go down because
21 of The Reform.

22 The police have also reopened the
23 disciplinary actions in the police and they've been
24 drafted according to the agreement. And it's
25 something that recognizes the rights of the

Part 1 - Fourth Public Hearing

1 complainants while they just see improvements in its
2 procedures consistently. Training has been a notable
3 and enviable area of progress; it's training that we
4 can see the implementation of the best practice to
5 adopt them to be able to do them day-by-day.

6 The Puerto Rico Police also has opted to
7 improve its relationship with the community
8 implementing policy which safeguards the rights of
9 all human beings be it equal protection,
10 nondiscrimination, just like I've extended the
11 opportunity to groups to be part of the process. The
12 agency has also improved transparency to keep the
13 public informed on The Reform process all for the
14 betterment of the people of Puerto Rico.

15 Now, we obviously know this is a monumental
16 task and that's why the capability-building period
17 exists and this has also allowed the agency to learn
18 new ideas, better practices guaranteeing
19 constitutional rights while at the same time looking
20 to serve the taxpayers much better helping them feel
21 safer in their homes.

22 In the last two years the effort -- which I
23 believe has been almost three years. The efforts of
24 the parties to reach compliance with the agreement
25 has been successful such that the parties, the

Part 1 - Fourth Public Hearing

1 monitor, and this Court have backed the efforts of
2 the police at all times. That's why today with great
3 expectation the Court is willing to open dialog with
4 the governor of Puerto Rico, Honorable Alejandro
5 García-Padilla, so that he can share his opinions
6 touching on all issues concerning The Reform.

7 And we're specifically paying attention to
8 the difficulties that he's had and the ones that will
9 come. And I think it's very important -- and I hope
10 that this serves as precedent that the governor in
11 office at least once or twice every quarter can come
12 to this court and share his perspective and ideas
13 regarding the process; because it's not the same to
14 have the Court mediating and ensuring that the
15 agreement is complied with and the day-to-day
16 negotiations of the parties and the government of
17 Puerto Rico that certainly involves the governor.
18 So, we hope that this is a positive precedent and the
19 next governors who come will also appear here with
20 some frequency.

21 Before presenting the governor formally --
22 and I have a brief biography -- I'd like to take the
23 opportunity to present Attorney General César
24 Miranda, Secretary of Justice; and Attorney Luis
25 Saucedo from the federal Department of Justice. I'll

Part 1 - Fourth Public Hearing

1 give you each some time to address the Court for the
2 record. Counsel Saucedo, if you want to go first.

3 MR. SAUCEDO: Good afternoon, Your Honor.
4 May it please the Court. Luis Saucedo for the United
5 States.

6 I want to thank Governor García-Padilla,
7 Secretary Miranda, Superintendent Caldero, security
8 advisor, all Commonwealth staff, guests, and the
9 technical compliance advisor for being here today.
10 We also want to thank the Court for holding today's
11 hearing to hear the governor's unique perspective on
12 critical reforms that are underway.

13 Just over three years ago, Former Attorney
14 General Eric Holder and Governor García-Padilla at
15 Fortaleza came together to sign this historic
16 settlement agreement. Since signing the agreement,
17 the parties have worked together to implement its
18 terms and promote broad participation among
19 stakeholders, to ensure the agreement's success.
20 Implementation is no easy task. It will take time
21 along with focused effort and sustained commitment,
22 and it will take the active participation of the
23 community.

24 The settlement agreement reflects many
25 months of intense and detailed negotiations between

Part 1 - Fourth Public Hearing

1 the Commonwealth and the Department of Justice. It
2 charts a path forward for the Puerto Rico Police
3 Department to ensure the protection of civil rights.
4 It's important that these protections are embodied in
5 its core values and that it's reflected as part of
6 its policies, its training, and ultimately as part of
7 its daily interactions with the residents of Puerto
8 Rico. We hope the governor's remarks today help PRPD
9 move forward towards professionalizing and
10 modernizing the police department and ultimately
11 towards verifiable compliance and sustainable reform.

12 We wish to thank the governor and his entire
13 team for their cooperation. We recognize that Puerto
14 Rico has continued to make significant investments in
15 police reform even in the face of significant fiscal
16 challenges. The governor has also continued to set a
17 tone of collaboration between the parties and other
18 stakeholders which has been a hallmark of this case
19 from its inception.

20 We'd also like to thank all the men and
21 women of the PRPD who are the front line of
22 implementing this historic agreement and who have
23 sworn to protect and serve the people of Puerto Rico.
24 We would also like to thank all the individuals and
25 community groups who have participated in The Reform

Part 1 - Fourth Public Hearing

1 efforts and we look forward to working with many
2 more. Some these individuals are here today and we
3 know that they're looking for true change within the
4 police department.

5 We will continue to meet and hear from
6 individuals and other community stakeholders to
7 ensure that implementation is resulting in meaningful
8 reform and that PRPD is able to sustain these reforms
9 for generations to come.

10 Thank you, Your Honor.

11 THE COURT: Thank you. Attorney General,
12 please.

13 ATTORNEY GENERAL MIRANDA: Good afternoon,
14 Your Honor.

15 THE COURT: Good afternoon.

16 ATTORNEY GENERAL MIRANDA: I completely
17 adhere to the recognition, the acknowledgment, that
18 Counsel Saucedo made. From the beginning of this
19 reform we known we're living in historic times.

20 Again, as I've said, at all times this is
21 the most important project that the people of Puerto
22 Rico are going through right now because whatever
23 ensures peace and quality of life of all Puerto
24 Ricans definitely has to be what motivates us the
25 most.

Part 1 - Fourth Public Hearing

1 We have had the pleasure of being the legal
2 representative of the Puerto Rico Police throughout
3 all this time. There isn't an adversarial event in
4 this reform. The positions that we have assumed are
5 consonant with the aspirations of the Department of
6 Justice, the federal Department of Justice when the
7 complaint was filed initially. But above all they're
8 consonant with the aspirations that Puerto Ricans
9 have had and this administration in reaching a better
10 police for the people of Puerto Rico.

11 I have to state that, even in times of
12 fiscal crises, the governor of Puerto Rico has never
13 shied away from his economic obligations in order
14 that this reform be a reality.

15 And, Your Honor, I also wanted to share with
16 you my appreciation and how grateful I am for the
17 court officers who have always been willing to lend a
18 hand on all the occasions that has been necessary,
19 resolve any difference that has arisen to be able to
20 reach a middle point or any part of this agreement
21 that The Reform has had.

22 So, my appreciation to Your Honor, to
23 members of the court, and to Mr. Claudio, the TCA
24 who's been working hand in hand with us, and to all
25 those who have a total understanding of what's the

Part 1 - Fourth Public Hearing

1 applicable law in this agreement between the federal
2 Department of Justice and us, the Department of
3 Justice of Puerto Rico, the Commonwealth of Puerto
4 Rico, the people of Puerto Rico who really has given
5 us the opportunity to be able to conduct this event.
6 It's one that's progressive, it will take time, but
7 will definitely be for the betterment of the police
8 of Puerto Rico and its citizens. Thank you very
9 much.

10 THE COURT: Thank you, Attorney General.

11 Now I'm happy to present a brief biography
12 of the governor of Puerto Rico, and then we'll go to
13 what everybody has come here to see.

14 Governor García-Padilla was born on
15 August 3, 1971. So, for whoever does the math, he
16 recently had a birthday. And he's from Coamo but
17 very few people know this. Even Wikipedia has this
18 wrong because he was not born in Coamo, he was born
19 in Ponce because there was no hospital in Coamo but
20 he immediately moved to Coamo. Almost every governor
21 of Puerto Rico has been born in Ponce. So, everybody
22 who has aspirations, think about it.

23 He graduated from the University of Puerto
24 Rico with a bachelor's degree in political science
25 and economics. He later obtained a Juris Doctor from

Part 1 - Fourth Public Hearing

1 the Inter-American University, thanks to his brother.
2 He was a dean at the University of Puerto Rico and he
3 said, You're not going to apply here to study law.

4 As an attorney, he showed his commitment for
5 social and civil causes be it with the College of
6 Attorneys of Puerto Rico, as well as the Commission
7 on Women's Affairs. Then, as we all remember, he
8 served a four-year term as the secretary of consumer
9 affairs, DACO, which gave him a broad knowledge of
10 administrative affairs.

11 He, once again, came into public service
12 when he became a senator. And as a member of the
13 minority he presided over various commissions as part
14 of the minority in that four-year term. One of the
15 causes in which he participated was implementing a
16 health model to tends to the needs of drug addiction
17 to controlled substances.

18 Governor García-Padilla was elected in
19 November or 2012 becoming the tenth governor of
20 Puerto Rico. And Governor Hernández-Colón always
21 wants me to remind everyone that he was the second
22 youngest assuming that position.

23 During the months of the transition before
24 assuming the position, as soon as he was sworn in, in
25 January of 2013, the governor had to entertain the

Part 1 - Fourth Public Hearing

1 offer of the then Attorney General of the United
2 States Eric Holder to settle a suit against the state
3 for the violation of fundamental rights of citizens
4 by the agency.

5 In June of 2013, the agreement was signed in
6 this courthouse -- well, first in Fortaleza first and
7 then this courthouse -- for a sustainable reform for
8 the Puerto Rico Police. Because of this, the Court
9 has a great interest in preserving the historical
10 testimony of the governor because it's an instrument
11 for all of us and specifically for those who still
12 haven't reached the table and aren't familiar with
13 the process. We're going to have new participants
14 from the side of the governor next year and it's
15 important that this historical record is here showing
16 what we've been doing the last two or three years.

17 So, before the governor presents himself, I
18 want to thank Attorney Maria Teresa Rivera-Corujo,
19 who is the advisor on public safety, for having
20 helped coordinate this hearing and being present in
21 all the public hearings that we've had.

22 Also, I wanted to let the members of the
23 press who are here and any other persons interested
24 that the court has a photographer and Fortaleza also
25 has a photographer. Obviously there's no pictures

Part 1 - Fourth Public Hearing

1 allowed in this courtroom, but because this is a
2 historical hearing, I've allowed the pictures that
3 will be taken from the court which will be sent to
4 the monitor, Colonel Claudio. Whomever is interested
5 in the pictures can call him, by six o'clock they
6 should be there. And if Fortaleza has some pictures
7 they'd like to share, send it to the TCA and also to
8 the office of communication of Fortaleza.

9 Now we're ready to begin. Governor, you're
10 an attorney. I know you haven't stepped inside a
11 courthouse in a long time. You're not being sued or
12 cross-examined, so if you want to make any general
13 comment to begin and then I have a few questions. I
14 have sent you the questions before coming in so you
15 can have an idea of the areas I wanted to cover.

16 So, welcome once again. It's a pleasure to
17 have you here.

18 GOVERNOR GARCÍA-PADILLA: Thank you, Your
19 Honor. I have been wanting to say what I'm going to
20 say for many years. May it please the Court.

21 THE COURT: Please go ahead. Or when you
22 come back next year to address the Court. Welcome.

23 GOVERNOR GARCÍA-PADILLA: Thank, Your Honor.
24 And I'm already getting off script, but I would like
25 to thank you from the bottom of my heart for your

Part 1 - Fourth Public Hearing

1 statements about the work that we have been doing in
2 terms of the causes to advance the police reform, and
3 also the statements of Attorney Saucedo on behalf of
4 the Department of Justice of the United States of
5 America.

6 I appreciate you allowing me to complement
7 the historical record on these hearings and on this
8 case. I would also like to greet the officers of the
9 Department of Justice present, as well as those of
10 the Civil Liberties Union, the monitor Colonel
11 Arnaldo Claudio. I would like to greet all of the
12 officers and the people present here today.

13 It is an honor to appear before this Court
14 to talk about something that's so fundamental for our
15 people: Justice and the state of law and order.

16 As we have said before, we will be speaking
17 about the police reform. It has been a very tough
18 four-year term. We assumed a country that was in a
19 deep crises due to excess and from postponing
20 difficult situations and decisions. The excess, Your
21 Honor, was not only seen in police duties but in all
22 of the areas and departments of our government.

23 In five months, I will pass the baton to a
24 new government, a new administration, that most
25 certainly will not be the second youngest but the

Part 1 - Fourth Public Hearing

1 third youngest governor -- a government that,
2 contrary to my own, will receive a country that has
3 benefitted from all these many changes we're
4 proposing.

5 The role of Puerto Rico has been
6 strengthened as an actor in the global economy.
7 Pharmaceuticals are growing, medical equipment
8 distribution is growing. We have revitalized key
9 sectors of the economy. Agriculture has increased
10 30 percent in its net income. We have also received
11 more tourists than ever before in our history. We
12 have begun a process to restructure public debt.

13 This has been the biggest restructuring
14 process in the history of the United States. So that
15 the debt rescheduling does not risk basic services
16 this is why the restructuring has been done, in order
17 to ease the heavy burden that in the past was put on
18 the shoulders of all Puerto Rican men, women,
19 children, and grandchildren.

20 We want to defend our people. We gave
21 meaning to Article II, Section 19 of the Puerto Rico
22 constitution, the power of the Legislative Assembly.
23 This is why I tell you, Your Honor, that we cannot
24 separate the changes in the police force from the
25 rest of the changes that we were forced to put into

Part 1 - Fourth Public Hearing

1 place as a country.

2 By its own definition, we are an integrated
3 body, a country. We have common needs and we have
4 unique resources that are limited, as any other
5 country. They are all part of a remand and a process
6 of change and reform so that Puerto Rico can vary
7 from that tough period with growth and a stronger
8 economy.

9 We cannot deny the paradigms in the post-war
10 that made us just look up to the north, but now we
11 look to Latin America and Europe all while continuing
12 to look north so that we may also come out of this
13 with a restructured debt that eases the heavy burden,
14 a debt resulting from solving immediate problems
15 while putting future problems on the back burner.
16 And it just came to haunt us. This is the context
17 within which we started our four-year term, our
18 administration. That's the context in which this
19 suit came up and the context in which the agreement
20 was formulated.

21 And so, the American Civil Liberties Union
22 sued the Commonwealth due to the excesses that we
23 lived for many years -- events with university
24 students, episodes that I witnessed when I was a
25 senator on Capitol Hill.

Part 1 - Fourth Public Hearing

1 On September 5, 2011, the section of civil
2 rights in the federal justice department wrote a
3 terrible report that it witnessed use of force,
4 discrimination for ethnic causes and nationality by
5 our police force, and other violations to civil
6 liberties on behalf of the police department.

7 Instead of attacking the report, as a
8 governor, I decided to attack the problems. This is
9 what was correct and what the country demanded. We
10 have the obligation to give the best possible police
11 force to our people, so we cannot limit this effort
12 to only The Reform years. The Reform must be the
13 stepping block for this continuous action in the path
14 of our people. And it corresponds to all
15 administration to provide the best police force
16 possible.

17 As Your Honor stated, on July 17, 2013, we
18 reached a historical agreement with the federal
19 justice department. It was very nice to receive the
20 Attorney General, at the time Eric Holder, to sign
21 that historic agreement. The most important
22 agreement, however, was precisely the agreement we
23 made with ourselves to make the police reform a
24 project for our country.

25 Today your words, Your Honor, evidence that

Part 1 - Fourth Public Hearing

1 this is not just an administration project, it is not
2 only a judicial project or that of one agency or
3 another; it is the project of our country, of the
4 country where this court resides, where the agencies
5 reside, where our government resides.

6 We reach this agreement because the men and
7 women of the police reform put at risk their lives
8 every day so that our citizens who live on this
9 island live safety. And the majority of the members
10 of the police force do it faithfully and they do what
11 they promised to do.

12 And I didn't say citizens, Your Honor,
13 because one of the communities that presented the
14 most claims and which are part of this suit are the
15 communities and members our country who are not
16 citizens but who should also receive human rights,
17 because they are human beings and not because they
18 come from elsewhere.

19 The federal justice department has reached
20 similar agreements with police departments in other
21 jurisdictions of the United States: Detroit, Los
22 Angeles, New Orleans, New York City, Pittsburgh, and
23 in Washington, D.C.

24 According to a report posted in The
25 Washington Post, in November of last year most police

Part 1 - Fourth Public Hearing

1 departments have tried to get extensions to comply
2 with the agreements with the justice department, but
3 the Police of Puerto Rico has complied with all of
4 the terms of the agreement reached with the justice
5 department and has never asked for an extension.
6 This is not random and it is a topic that I
7 personally follow continuously.

8 Moreover, as governor I have worked hand in
9 hand with the federal justice department and the
10 Attorney General of Puerto Rico Cesar Miranda and all
11 of the members of the Police of Puerto Rico. This
12 process has not been contentious. On the contrary,
13 both parties are committed to reform the Police of
14 Puerto Rico. This is why I thank from the bottom of
15 my heart the personnel of the U.S. justice department
16 and in particular the section of civil rights.
17 Together we have assigned priority to what needs more
18 priority.

19 The police department has been part of the
20 list of priorities which is not an extensive list.
21 One of our problems as a country is that we give
22 priority to everything and when everything is
23 priority by definition nothing really is priority.
24 The intrinsic nature of priorities is to put some
25 issues above others. That list only includes health,

Part 1 - Fourth Public Hearing

1 education, and safety in a broad sense. That level
2 of priority toward The Reform and this is in my
3 interest and that of my administration.

4 This is why, Your Honor, in the midst of the
5 fiscal crisis we have sustained the budget allotted
6 to comply with the agreement of the police reform,
7 which is \$20 million a year. And we have complied
8 with all of the terms such as The Moratorium Act
9 passed on April last year and the many other fines
10 that have been imposed in order to guarantee the
11 continuity of the essential services our country
12 needs. The fact that we maintained intact the budget
13 of the police reform in the face of this critical
14 scenario shows the level of commitment that we have
15 with The Reform.

16 And, Your Honor, I would like to go further.
17 While the fiscal crisis has forced us to reduce the
18 budget for many agencies, the budget of the police as
19 a department has increased. In other words, while we
20 have been forced to cut the other operational areas
21 of the government, we have not touched the police
22 budget.

23 I would like to talk about one of the key
24 components of this reform, and it is a key element,
25 and this is the academy. As Your Honor already said,

Part 1 - Fourth Public Hearing

1 when I came into the administration the academy was
2 in the hands of the criminal justice and it was seen
3 just as academic, it was autonomous from the police
4 department of Puerto Rico. This concept created
5 problems that surpassed the benefits.

6 The time of training and education is
7 fundamental in the life of a police officer and it is
8 not correct to leave this training in the hands of an
9 agency that, since it was autonomous, didn't have the
10 same interest of the country or of the police
11 department. Every police officer must have at least
12 some basic education, but the academy was not there
13 to support this. The police academy should provide
14 an experience whereby the cadet must prove if they
15 can live under the discipline, the code of honor and
16 integrity, which is essential in order to be a police
17 officer.

18 In addition, it is an opportunity for the
19 cadet to demonstrate whether they can identify and
20 confront situations where his life is at risk or that
21 of others. And they must prove that they can perform
22 in stressful situations without using excessive force
23 or discriminating based on race, ethnicity,
24 nationality, social conditions, ideas, religious or
25 political beliefs, sexual orientation of the person

Part 1 - Fourth Public Hearing

1 that they intervene with. This is why I dare say
2 that the academy is one of the most vital resources
3 of the police and our country. The academy must not
4 exist outside of the police department.

5 On June 30, 2014 I approved Law 112 of that
6 year that returned the academy into the hands of the
7 police. We needed to do so. And since then the
8 academy is, again, under the control of the police.
9 This was a qualitative leap of The Reform. Through
10 Law 112 we made the academy a subsidiary of the
11 police department. The rank of auxiliary
12 superintendent is very important and shows what we
13 must do. Under the new norms every candidate must
14 have at least an associate's degree from a licensed
15 and accredited institution. The cadets receive more
16 than 900 hours of education in police sciences,
17 investigation techniques, tactical training,
18 supervision, interpersonal relations with civilians,
19 ethics in performing their duty, respect and
20 protection of civil rights and effective
21 communication with the communities.

22 With Law 112 each officer must comply with
23 at least 12 hours of continuous education, and that
24 is another qualitative leap. Before, the officer
25 left the academy once they formed part of the police

Part 1 - Fourth Public Hearing

1 force. Continuous education should have been a
2 component always. This is the way it is now, and
3 this is the commitment that we agreed on. And we
4 will comply in a coordinated step with the mandate of
5 that of this Honorable Court.

6 In the most recent academy, March of last
7 year, the graduates numbered 300 cadets, and they are
8 the first to graduate from the new academy. I would
9 have liked to graduate more cadets, but the fiscal
10 crises avoided it.

11 Another reform was to settle strong bonds
12 between the police and the communities, as you said
13 before. This is an objective that we have been
14 working for and not only in those communities that
15 had a good relationship with the police officers, but
16 we also want to establish these bonds in those
17 communities where the relationship between the police
18 and the communities have been a source of mistrust,
19 prejudice and, on occasions, has resulted in violent
20 acts.

21 In order to reach this agreement, starting
22 this year the police has held 35 meetings in the 13
23 different police sectors. And we have met with many
24 different organizations that defend human rights and
25 community-based organizations such as the Civil

Part 1 - Fourth Public Hearing

1 Liberties Union and international amnesty, the center
2 for helping Dominican Republic females, coordinator
3 peace for women, the creative lesbian workshop, the
4 institute for promoting human rights, the commission
5 of rights of immigrants from the college of
6 attorneys, and the corporation of legal services
7 among many others. The Consulate General of the
8 Dominican Republic in Puerto Rico has also had a
9 prominent participation.

10 These meetings have served to promote the
11 guidelines of the police department in order to deal
12 with immigrants and also the members of the LGBT
13 community. However, there's much to do. To develop
14 guidelines is just the first step. Recognizing human
15 rights is a continuous process.

16 Let's take the case of the United States,
17 for example, where so much has been furthered since
18 in the 1860s the abolition of slavery was proclaimed.
19 And since then so much has been done to fight against
20 discrimination, racism; and still today there are
21 fights because of inequality and unjust treatment by
22 the police of the African American community. This
23 is a continuous process that is never-ending.

24 Since November of last year the police
25 department has campaigned so that the people know the

Part 1 - Fourth Public Hearing

1 mechanisms available to report behavior that is not
2 good by the police. We have identified mechanisms
3 for the police and the people of Puerto Rico. For
4 the first time there are laws that prohibit the
5 police officers to name public officers. Part of the
6 problems that stained this new institution were
7 caused by politicians who were in power who forgot
8 that the police is not a praetorian guard that can be
9 ordered to attack or who in exercising their civil
10 rights differ from the government from time to time.

11 This is why on June 30, 2010 when officers,
12 following the orders of politicians, they clubbed and
13 attacked college students -- and I will never forget
14 this because if somewhere should be the form for free
15 expression it's the immediate area and surroundings
16 of the Capitol Hill. That's what it's there for.
17 Likewise, the intervention of the police back then
18 because they were following instructions of partisans
19 was the cause that created all of this use of force.

20 Every time that I visit a municipality, Your
21 Honor, somebody comes to me to ask me to transfer a
22 family member who lives away from the Metropolitan
23 area but they work here. Sometimes their petitions
24 are very particular that could be sustained because
25 of health reasons or others, but sometimes they tell

Part 1 - Fourth Public Hearing

1 me that they worked in the campaign; and obviously I
2 appreciate their work in the political campaign, but
3 this cannot be the reason to transfer somebody. I
4 can guarantee to this court that in my administration
5 transfers are not guided by partisan politics, and I
6 have many examples of this, and this will continue to
7 be so.

8 We have proposed legislation that
9 strengthens prohibitions contained on ethics law and
10 utilizes employment using government unity to further
11 partisans ideas. On the other hand, we have ensured
12 that the women that are in the police force can
13 occupy positions of power. We have five women
14 leading districts, four in precincts, two in zones,
15 and three leading criminal investigation divisions
16 including San Juan, which is the biggest.

17 The homicide division in San Juan is also
18 led by a woman. We have ten directors of domestic
19 violence and 12 in sexual crimes. In total 39
20 divisions of the police department are led by women.
21 Actually, we have the first unit of women in the
22 tactical divisions.

23 This is a historical time when there are
24 more divisions in the police force led by women.
25 This is why I dare say that the police has never had

Part 1 - Fourth Public Hearing

1 so many women in prominent positions. And I
2 apologize superintendent but maybe this is why we
3 have so much success now. We hope that this amount
4 will continue increasing when we break down the
5 walls, when merit is the only matter that promotes
6 people in ranks.

7 And I would like, Your Honor, to give you
8 one last reflection. In the last year after the
9 tragic events of Ferguson, Missouri, which have been
10 replicated unfortunately in smaller cities in the
11 U.S., we have crudely seen the force of police that
12 shows its worst face in face of citizens that they
13 should be protecting, and citizens that also show
14 their worst face in front of police that should be
15 protected.

16 And we have seen that the police reform is
17 not exclusive to Puerto Rico. And honestly we don't
18 want to reach such a breakdown level where the police
19 and the community see each other as foes, enemies.
20 This is why it was so important to begin this police
21 reform and leave it well-guided. There's so much at
22 stake.

23 Although I will finish my four-year period,,
24 The Reform has not been finished. It has brought
25 fundamental changes in education, training and

Part 1 - Fourth Public Hearing

1 supervision in the Police of Puerto Rico. It's also
2 brought new equipment, patrol cars, portable
3 computers, fire weapons, non-lethal weapons, as well
4 as an air force that is comparable and exceeds that
5 of any other department of any city in the United
6 States; and we have achieved this in the midst of the
7 worst financial crises in our history.

8 Having done so, I submit, Your Honor,
9 respectfully to you, just as an example, as
10 Exhibit 1, that this was our priority. I cannot let
11 this opportunity slip by without publically
12 acknowledging Superintendent José Luis Caldero for
13 putting in his hands the future of the country and
14 his more than three decades of experience at the
15 service of this reform.

16 Thank you, Superintendent, for putting into
17 place a plan that has been fundamental to reach the
18 lowest criminal crime rates in the history of our
19 country. Homicide have been reduced, Type 1, which
20 really take the peace away from our people's minds.
21 To date, this year, Type 1 crimes have been reduced
22 by six percent versus last year which was the lowest
23 in 30 years. Murders, compared to last year, have
24 increased. However, even in face of that increase,
25 Your Honor, this year at this rate is one of the ones

Part 1 - Fourth Public Hearing

1 with less murders in the last 30 years. However, we
2 are not satisfied. You should not be satisfied and
3 no Puerto Rican men or women should be satisfied with
4 these figures.

5 I also believe that it is pertinent to say
6 that a body that used to drag its feet investigating
7 complaints has become a police force that from 2014
8 to present has investigated over 75 percent of the
9 complaints received. And we should thank not only
10 the superintendent but every man and woman of the
11 police force that has made these changes possible.

12 Thanks to Colonel Clementina Vega for her
13 mission to lead from her department this reform, to
14 the Puerto Rico chapter of the American Civil
15 Liberties Union for raising the red flag, for
16 beginning the suit and initiating this reform. It
17 will be senseless to even mention that this reform
18 would have happened unless that suit was brought up
19 in 2012.

20 Thanks to the U.S. State Department,
21 specially the civil rights division, for putting
22 their best in this process.

23 I would also like to acknowledge publically
24 the Department of Justice of Puerto Rico and the
25 attorneys who represent the Commonwealth of Puerto

Part 1 - Fourth Public Hearing

1 Rico in this fundamental case in our history.

2 Thanks, Your Honor, and the officers of the court for
3 supervising this reform with a great sense of
4 justice.

5 You already mentioned, Your Honor, that I'm
6 from the countryside, and we people from the country
7 are distinguished for many things. We drag our Rs,
8 sometimes we don't congregate words well in English,
9 but we also make a lot of comparisons with
10 agriculture. In these last years, Your Honor, we
11 have cleaned the field, we have improved irrigation,
12 we sewed the seed and you have been able to see that
13 we've started to harvest; but harvest is also a
14 continuous process. It does not end with the first
15 fruit; it begins with the first fruit.

16 Some fruit will take a long time to reap and
17 harvest, above all those that have to do with
18 cultural patterns of discrimination that are so
19 deeply rooted in our beings. Those cultural patterns
20 that make people mock foreigners or against those
21 that love the same but with a different orientation.
22 Those cultural discriminations practices have been in
23 place for many decades and breaking them will take
24 some time.

25 I would request, Your Honor, very dealer for

Part 1 - Fourth Public Hearing

1 you to continue supervising strictly this reform when
2 this goes into the hands of the next administration
3 in November. I would also like to request, Your
4 Honor, to do everything in your hands so that this
5 reform forms part of the priorities of the fiscal
6 board to be appointed by the next president.

7 In my administration we began this reform
8 together. Your Honor, do not allow that once I
9 finish as a governor this reform derails its
10 direction. Please do not allow it. We have begun.
11 The police has many successes in terms of crime
12 reduction and recognition of human rights but there
13 is still a long way to go.

14 Thank you very much, Your Honor.

15 THE COURT: Thank you, Governor. I'm going
16 to make some brief comments to what you've stated and
17 then I have a few questions. I have a lot more but
18 obviously you've touched on it with your comments.

19 So before anything, I know that you talked
20 about the role of women and The Reform and the
21 position that they have, and I know that
22 Superintendent Caldero is very proud of that because
23 his wife was a police officer and she retired from
24 the police. So he's very proud of it. So, you don't
25 have to apologize for all of that, right,

Part 1 - Fourth Public Hearing

1 Superintendent?

2 SUPERINTENDENT CALDERO: That is correct.

3 THE COURT: So, something else that you
4 mentioned which is interesting sometimes things don't
5 come out in the public light which happen behind the
6 scenes with the attorneys when there's hearings in
7 the court or meetings. You mentioned that there's
8 never been an extension that's been requested in this
9 case and that's correct.

10 There's been times that I know it's Friday
11 and the document is due on Monday and the parties are
12 working and they're all working big time. And I say
13 why don't we give them an extra week? And the
14 monitor has told me, no, they don't want it, they
15 want to finish it, and they're working on it. So,
16 contrary to any other case, criminal or civil,
17 there's never been a request for an extension. The
18 case has been moved according to the dates that have
19 been set and everything's been up-to-date. And
20 that's something that I have to highlight and it's
21 important for me to highlight that.

22 And this case is also a case that has great
23 importance for Puerto Rico. Beyond that, this case
24 has a worldwide importance. As we're seeing in the
25 United States the Department of Justice, since this

Part 1 - Fourth Public Hearing

1 case was filed 12, 14 more cases have been filed
2 throughout the United States. And Ferguson was the
3 last one. Counsel Saucedo sends me periodically --
4 every time there's a new one he sends me material.
5 Since the statute was created for these cases there's
6 been 20 cases filed.

7 So, it's very important because Puerto Rico
8 is the biggest jurisdiction in which a reform has
9 taken place. And we're going to be a model not only
10 for Puerto Rico but also for all the counties,
11 cities, states or any jurisdiction in the United
12 States in which this is done. And eventually
13 worldwide this will also happen. This won't be a
14 model just of the United States because this is a
15 worldwide problem.

16 So, it's very important that we're all
17 involved in this reform. And our roles, you as a
18 governor, me as a judge, the monitor, the attorneys
19 for the Department of Justice, that we're all setting
20 a precedent that maybe your children, if one of them
21 studies law and civil right, that they're going to
22 study this type of case.

23 So, in November we have the first national
24 meeting of the monitoring of the police. That is
25 going to be in the State of Texas. I will be there

Part 1 - Fourth Public Hearing

1 invited there, and the judges of federal jurisdiction
2 are also going to participate. And the
3 superintendent, this is the weekend before elections
4 so obviously your presence is required. But I really
5 thank Colonel Fraley of the academy is going to
6 participate in that program, because I believe that
7 we have model academy that other jurisdictions
8 follow. And she's going to participate in the panel
9 there also. So, I think we're going to be an example
10 of all this which is a growing wave.

11 And some things that are also very
12 important, the Ferguson case of the United States has
13 to do a lot with discrimination against black people.
14 In Puerto Rico, we rarely see a racial discrimination
15 case, be it black or white, the big problem you
16 mentioned here is the Dominican Republic community.
17 Our Dominican Republic community here, be it legal or
18 illegally or in process of being legal, they've been
19 discriminated against historically.

20 And also the LGBT -- I always say it wrong,
21 but the LBTT community have also been discriminated
22 against. This reform also attacks that issue here
23 south of the United States or in other areas, but
24 here it's the equivalent of what happens over there.

25 I also want to highlight the ACLU, but

Part 1 - Fourth Public Hearing

1 before that there were many individual attorneys who
2 brought cases and the Department of Justice
3 represented them. Many of these cases it came to the
4 point of a settlement and the Attorney General saw
5 what happened and most of these cases were settled.
6 But it's very important to highlight that if it
7 wasn't for those attorneys and the ACLU we wouldn't
8 have seen all the information that eventually the
9 Federal Government obtained which is part of the
10 complaint. So, that's very important.

11 Something else that is important for The
12 Reform but also in Puerto Rico the mayor of San Juan,
13 Carmen Yulín Cruz; the mayor of Ponce, Mayita, both
14 of them -- the mayor of Ponce participated in the
15 public hearings but the mayor of San Juan wants to
16 adopt -- we saw her at the graduation of the academy,
17 and she wants to adopt administratively everything
18 concerning The Reform because it benefits her. So,
19 we're having an impact not only outside of Puerto
20 Rico but in Puerto Rico. Maria Meléndez is Mayita.

21 So, it's very important and we have other
22 mayors from different regions that they've stated
23 their interest, although they're not part of The
24 Reform, in following these steps.

25 Something else that I want to acknowledge

Part 1 - Fourth Public Hearing

1 from your administration when you came in there was
2 in effect several task forces which are the state
3 police that collaborated with the federal officers
4 and vice verse. And you, as governor, you took the
5 decision -- you left the task forces in place. In
6 fact, you designated additional officers.

7 So, this has been very important and I
8 believe this is one of the reasons why crime has been
9 reduced; because, if I'm not mistaken, in 2010 there
10 were 1,200 murders and last year it was down to 600.
11 They've gone up a little bit this year but much less
12 than in other years. And those task forces since
13 they were started in 2010 or 11 they've continued
14 working, and since last term to this one murders have
15 continued to go down. One murder is always more than
16 enough, but this cannot be done from one day to the
17 next.

18 So, it's very important the officers that
19 you have imposed in the Federal Government because
20 they give us a lot of assistance. Sometimes our
21 federal officers don't speak Spanish. They have good
22 techniques, they know how to do certain things that
23 the officers here are not trained to do, but they
24 work together with the state officers. And if it
25 weren't for this concerted effort in working with the

Part 1 - Fourth Public Hearing

1 federal officers, we wouldn't have the number of
2 cases we have. The number of cases that you see here
3 it's impressive.

4 And something else that's impressive when
5 you came into power and you came into the governor's
6 office there was obviously a transition, the Attorney
7 General changed and other public officers changed,
8 the superintendent changed. But one of the things
9 that I do remember for a period of a year and a half
10 you worked with the police and the Attorney Marxuach
11 who had been advisor to Governor Fortuño and you
12 continued until The Reform was signed.

13 And I believe you were a crucial person.
14 And this is important because had we changed
15 everybody and began anew with people that wouldn't
16 know anything about this change, we would be
17 beginning with this again. So, it's very important
18 to acknowledge and I hope that your successor
19 recognizes this.

20 We have to recognize that there's people
21 that eventually are going to do other things but
22 there's some people that are key and who know The
23 Reform better than anyone. And I hope the next
24 person who comes uses those resources; because many
25 of these people have been committed to The Reform,

Part 1 - Fourth Public Hearing

1 it's not one administration in particular. They are
2 public servants who want to see this come to
3 fruition. So, I believe that when the next
4 administration comes in that these people can
5 contribute as much as possible. And whomever want to
6 continue as volunteers, I ask that they please do so
7 and incorporate themselves.

8 So with those comments I have some brief
9 questions. Obviously you spoke of some achievements
10 and goals that you believe are important, but which
11 one do you think within The Reform if you could tell
12 us -- this'll be like those talk-shows, I ask a
13 question and you give the answer.

14 So within The Reform if you could tell us
15 which one do you believe, as brief as possible, which
16 has been the biggest achievement that you've reached
17 in The Reform?

18 GOVERNOR GARCÍA-PADILLA: Well.

19 THE COURT: Incorporating everything you
20 said.

21 GOVERNOR GARCÍA-PADILLA: Yes. Well, from
22 the perspective of the people that represent the
23 country, what people want from the police is that
24 crime is reduced and that the police protect them and
25 don't assault them. I think that the country is

Part 1 - Fourth Public Hearing

1 feeling that there's been a change in these last
2 years; that is, that the police is there to protect
3 them. It's not always been successful, but it has
4 stopped being a partisan or political discussion and
5 has become a social one.

6 The main achievement has been the police
7 gaining the trust of the people. And it's a process,
8 it hasn't concluded. But the trend whereby the
9 people weren't trusting the police has been reversed.
10 The people little by little have been trusting of the
11 police.

12 THE COURT: The next question is, on
13 January 9th we'll know who will be your successor --

14 GOVERNOR GARCÍA-PADILLA: In November. We
15 don't have to wait that long. November 9th.

16 THE COURT: November 9th. When said person
17 is going to Fortaleza to meet with you, which would
18 you say is the biggest challenge regarding The
19 Reform? If you were to give advise, what advise
20 would you give your successor?

21 GOVERNOR GARCÍA-PADILLA: That that person
22 has to continue The Reform, and that in order to
23 continue The Reform that person cannot give into the
24 political pleasure that he/she is going to feel to
25 control the Puerto Rico Police politically. I felt

Part 1 - Fourth Public Hearing

1 that way. Some of the things you've mentioned were
2 true, at times ones feels political pressure that one
3 has to resist. And the next governor, in order to
4 continue The Reform, that person cannot give in to
5 partisan politics pressure.

6 People who today lead divisions of the
7 police, people that are very connected -- and I don't
8 want to state their positions -- to The Reform are
9 people within the police who are said to be from this
10 party or the opposing party, a party of which I have
11 participated in elections and of which I'm a member.
12 But one must be firm.

13 And when promotions are going to be given,
14 promotions can be given to people that are in the
15 party but it's because they are good at their jobs
16 and that's why the raise has been given regardless of
17 which party the person is a member. So, resisting
18 the temptation of leading the police electorally is
19 something that the next governor has to try and do.
20 If they don't, this reform won't continue.

21 THE COURT: What role -- what is your
22 vision? Because from my judicial perspective I like
23 a case to reach me, I'll resolve the case. There can
24 be an injunction permit, the order can be resolved.
25 But this is a case in which I already issued the

Part 1 - Fourth Public Hearing

1 judgment, the agreement, but I retained jurisdiction.
2 And from the point of view of a judge, sometimes I
3 feel there's little -- and I don't say it negatively,
4 but I think it's judicially offensive to be
5 micromanaging the issues of the state, at least in
6 this case, regarding the police for such a long time.

7 Sometimes it could be a necessary evil for a
8 short period of time. And now that the oversight
9 board is coming -- until the oversight board is in
10 place we have the oversight of Gelpí.

11 So, how do you see the intervention of
12 having a monitor? Is it something positive? We all
13 want this intervention to be as short as possible,
14 but from your perspective, you're also an attorney,
15 of federalism of nations which are governed with both
16 federal and state relationships. I mean, this is the
17 first time this happens here, but what could you
18 mention about that?

19 GOVERNOR GARCÍA-PADILLA: Your Honor, I
20 think that it's not only an issue of federalism but a
21 separation of powers. It's not your mission to
22 manage the Police of Puerto Rico, but the truth is
23 that there are some facts that gave rise to
24 complaints and they had merit and they were true.
25 And those facts violated civil rights that created

Part 1 - Fourth Public Hearing

1 some controversies which you have the duty of
2 resolving. For the future, not for the fact in
3 itself.

4 So, that's why today my petition to the
5 Court is that The Reform not be allowed to stop.
6 Based on the improvisation of bad practice was the
7 result of decades of bad practices, and they won't
8 change one day to the next. It doesn't change like
9 that. It's no longer the police of *siete maravillas*
10 [seven wonders]. It's other bad practices that harm
11 the essence of human rights simply for being a human
12 being independent of where he/she was born or their
13 citizenship, independent of their sexual orientation,
14 independent of their physical appearance.

15 In this case, the mission of the Court is a
16 two-fold mission. It has to ensure some things to
17 the country in its traditional duties of solving
18 controversy. Let me go further. My mother says that
19 this is where I get *corso*. They come from Spain.
20 And sometimes you have an angel on your shoulder
21 saying, Don't say this, but you can't resist.

22 Without the complaint, without this case
23 that was before you, I would have found public
24 objection to many of the things that we've been able
25 to reform. If it wasn't because this case is alive,

Part 1 - Fourth Public Hearing

1 I would have found public opposition to return the
2 academy to the police. I would have found opposition
3 to depoliticize the transfers and promotions. I
4 would have found public opposition to submit police
5 officers to -- help me, Judge. How do you translate
6 P.T. test? The physical test.

7 The first time that I proposed it as a
8 senator I received public criticism. In fact, I was
9 told that I should really challenge a police officer
10 to see if I could beat him running a mile. As if
11 that's what it was about.

12 So, the police reform has gone through the
13 public scrutiny with little opposition because it's
14 in this court. And don't let it go, Your Honor.

15 THE COURT: Thank you. Well, the other
16 thing that I wanted to say, and you've mentioned it,
17 was the de-politicization of the police. And that's
18 important. And let me tell you something, it's
19 interesting. I was not a presiding judge here yet,
20 but in the eighties I was an attorney in federal
21 court but you had the First Circuit and the Supreme
22 Court, and the end of the eighties and beginning of
23 the nineties there was discrimination. Every time
24 there's a change in government, it was something that
25 was incredible the public funds and municipal funds

Part 1 - Fourth Public Hearing

1 that were spent. And these are also things that you
2 would not for that.

3 But the Government Development Bank the
4 money that it gave for transactions such as this was
5 in the millions throughout the years, and this is all
6 administrations, all municipalities. And I think
7 it's a culture that at the central government level,
8 just like the cases of violation of civil rights and
9 abuse of force, have been reduced. And I think this
10 culture is reducing. It hasn't ended, we still have
11 cases that settle, but it's not at the volume we've
12 seen in previous years. Let's see what happens in
13 this change of government.

14 But one of the things that happened -- and
15 this is something I've always said publically -- and
16 also at these hearings I asked Governor
17 Hernández-Colón, also the superintendent, and I
18 believe the secretary of justice as well. At the
19 federal level we have federal employees, even judges.
20 We have federal employees who work for the United
21 States be they Democrat, Republicans. Whether Donald
22 Trumps wins or whether Hillary Clinton wins, we're
23 loyal to the Constitution and laws of the United
24 States.

25 In Puerto Rico, the Hatch Act, when Sila

Part 1 - Fourth Public Hearing

1 Calderón was governor, the administration made a mini
2 Hatch Act. I think it was for the department of
3 justice, the governor's office, the department of
4 state, and even transportation; but it was just
5 there. And I think that recently you signed a law,
6 and when you were away the secretary of state would
7 make their appearance saying that the Puerto Rico
8 Aqueduct and Sewer Authority [PRASA] and the Puerto
9 Rico Electric Power authority [PREPA] basically
10 they're being applied something very similar to the
11 Hatch Act.

12 My question is -- and obviously you're not
13 running for governor again. You're not going to
14 elections so you can maybe say things you don't want
15 to say. But as governor for the future of Puerto
16 Rico, the day that your sons are older and they want
17 to work for the government or they're public servants
18 or any other person who wants to go into government,
19 what do you believe is the next administration should
20 evaluate having a Hatch Act? And specifically I say
21 it's regarding the Puerto Rico Police. Do you
22 believe this would be something sustainable,
23 something good and positive?

24 Obviously I know. And I know the other
25 ex-governors and I've known many police officers

Part 1 - Fourth Public Hearing

1 throughout the years. And right now sometimes you
2 know them, and I've been helping and advancing of
3 such and such. And it's as you said, if he wins,
4 I'll be here, and if they lose they'll also go
5 somewhere else.

6 But in the Puerto Rico police do you
7 think --

8 GOVERNOR GARCÍA-PADILLA: And if he loses,
9 we also have to go someplace else.

10 THE COURT: But do you think as the
11 superintendent does that there should be some type of
12 Hatch Act or some type of order in the police and
13 possibly in the rest of the government of Puerto
14 Rico. What is being done so that these trust
15 positions, this practice -- because here in Puerto
16 Rico it's been years, so that it ends once and for
17 all?

18 GOVERNOR GARCÍA-PADILLA: Without a doubt,
19 Your Honor. And in fact one of the first things I
20 did as governor was a law that prohibited public
21 employees to donate money to political parties, as
22 the Hatch Act states. And this was a message I had
23 prepared for the first gubernatorial speech. And
24 that was something that had to be changed. It was
25 declared unconstitutional.

Part 1 - Fourth Public Hearing

1 But regarding the intervention of
2 politicians and the appointment and in the movement
3 of personnel or public corporations we have been able
4 to do so. These are two bills that we presented in
5 our administration and restructuring of the Puerto
6 Rico Electric Power and Authority, and these they
7 haven't been discussed.

8 These are two elements that are public
9 corporations that have been very politicized and that
10 we turned into law and the public discussions have
11 been very little. And I think something needs to be
12 done throughout the government elected positions
13 should not be an employment agency. And
14 unfortunately the elected officials look at
15 themselves as an employment agency, they think that
16 that's their duty. And I think that's not correct
17 for many reasons including for political reasons that
18 I'll allow the Court to state.

19 THE COURT: Well, if you can do so, this
20 will help your successor.

21 GOVERNOR GARCÍA-PADILLA: If there's a
22 position in the police and I become a selected
23 official and a person who, among other things,
24 facilitate the possibility that a person from my
25 party has that position, 20 persons from my party are

Part 1 - Fourth Public Hearing

1 going to come to request that position. There's one
2 position and I'm going to make one person happy and
3 I'm going to make 19 others mad.

4 So, I thought that this practice didn't
5 exist. I read it in a book during my studies in the
6 law. If I'm not mistake, it was Governor Muñoz-Marín
7 who used to say it. When it happened to me, I
8 couldn't believe it.

9 If an elected official tells me or
10 recommends a person for one position and tells me
11 that he/she is the best qualified person for that
12 position, but then I'll receive more than one letter
13 from that same elected official that that person's
14 the best qualified. So, I have letters from mayors,
15 for example, from legislators, leaders from my party
16 for one position recommending three persons and
17 telling me that each one of those persons is the best
18 qualified for the position.

19 THE COURT: That must be that each person
20 gave a copy of the letter and they weren't 20 other
21 letters, and the officer and everybody was happy with
22 that elected official.

23 GOVERNOR GARCÍA-PADILLA: But once that
24 person is selected, the others get mad at the elected
25 official.

Part 1 - Fourth Public Hearing

1 THE COURT: I think that this is something
2 that should be explored. When I saw the news that
3 the water authority and the electric power authority
4 had taken certain measures. And I have to
5 congratulate them publically. I've always encouraged
6 any administration to limit this because it's an evil
7 that still permeates. It's been reduced, but it's
8 always around.

9 Okay. Another question that I had -- and
10 for those of you who are here, we're almost done,
11 two-thirds of the questions have been asked. One of
12 the things that I requested that you do in this case
13 and in order to keep informed day of day of The
14 Reform process -- and I know that the Attorney
15 General has told me that you and he speak almost
16 daily and also the superintendent.

17 And I took this from the Morales-Feliciano
18 case that you have an officer that comes daily to
19 these hearings that you appointed a public safety
20 officer to do so. And I want to ask, not only the
21 superintendent to come and manage that the security
22 meetings that are conducted weekly, but I also know
23 the attorney speaks to the monitor when there's
24 issues. There may be times when the secretary of
25 justice if there's a crises speaks to the

Part 1 - Fourth Public Hearing

1 superintendent and the monitor speaks with her. How
2 useful has this been to have this position, this
3 person appointed to the position of this practice?

4 GOVERNOR GARCÍA-PADILLA: My recommendation,
5 if it helps in anything, is to continue with it;
6 because just like you say in English. Hands on. In
7 order for me to react to the needs that arise, I have
8 to have the information. And having an officer from
9 Fortaleza with the information up-to-date, it allows
10 instructions to be given and they could flow easily.
11 And it's useful in cases related to The Reform of the
12 police and other issues.

13 I mean, as César Miranda has informed you --
14 in fact, we have daily communications and with the
15 superintendent as well, but the follow-up of that
16 information is done at other levels. And there has
17 to be that direct contact, that continuous direct
18 contact.

19 THE COURT: Thank you. Something else that
20 comes to mind and which has been important throughout
21 your four year term -- and this was begun by the
22 secretary of justice, I think the police is also like
23 that. Previously the economy we thought it was
24 better, there was more money for other things. Had
25 this occurred years ago, I guarantee you that you

Part 1 - Fourth Public Hearing

1 would not only have the secretary of justice, but
2 you'd have four attorneys. It would've happened
3 under any administration. You'd have four attorneys
4 from an incredible law firm from Washington, D.C. and
5 maybe several attorneys from one or two law firms
6 from here in Puerto Rico as co-counsel; but the
7 attorneys that work here have been internal
8 attorneys.

9 The attorneys from the Department of Justice
10 here it was a career position attorney. I know that
11 previously not only this case, but Morales-Feliciano
12 and also in the case of the dairy industry, a lot of
13 these a large cases. I also have the health reform,
14 the case of the 330 centers. But they've been
15 internal attorneys from the Department of Justice.

16 So, obviously this saves millions to the
17 Government of Puerto Rico. It also gives confidence
18 to the attorneys of Puerto Rico. And I remember with
19 the Department of Justice there was external law
20 firms, and I would think why don't they choose us.
21 When I was Attorney General I would say to the
22 governor that I was going to go to New York and I can
23 argue this in the Second Circuit.

24 Do you believe that this practice has been a
25 good one? I mean, the talent is here. You don't

Part 1 - Fourth Public Hearing

1 prove it in this case, it's been proven; but do you
2 have anything to say about it?

3 GOVERNOR GARCÍA-PADILLA: I think that those
4 with the expertise which we have at the Department of
5 Justice should continue in the Department of Justice.
6 César Miranda refers to them as a dream team. Maybe,
7 Your Honor, it's the fact that not long ago I was
8 also a young attorney. Sometimes I still believe it
9 until I look at myself in the mirror. But they're
10 totally capable and they've shown it in court.

11 And I think that that external contracting
12 should be limited on occasions where some expertise
13 is needed in the law to litigate a controversy. When
14 that expert's specific expertise is not in the
15 department, then external attorneys should be used.

16 THE COURT: Something else that happens.
17 Here is the TCA Colonel Claudio. He periodically
18 presents quarterly reports.

19 Quarterly; right?

20 TCA COLONEL CLAUDIO: Every six months.

21 THE COURT: Every six months. I get ahead
22 of myself. But when I receive those reports, when
23 the report arrives, how useful is that report? In
24 your mind -- I know you see a lot of things
25 considered achievements that are consistently being

Part 1 - Fourth Public Hearing

1 done. There are two or three areas which have their
2 deficiencies. And I want to make clear, usually the
3 public looks and says, Oh, well, the TCA found such
4 and such deficiency and this a scolding to the
5 superintendent, and then there's an issue where there
6 really is no issue. And it's just like when you have
7 a son of yours who from eight classes he has five As,
8 one B plus, and a C. Then you say, okay, let's
9 improve on the C and let's continue with the other
10 grades.

11 But how useful are these reports for you?
12 What do you do when you review them? What
13 instructions do you give? And whatever else you want
14 to say about that.

15 GOVERNOR GARCÍA-PADILLA: I read it before
16 calling the Secretary of Justice César Miranda or
17 Superintendent Caldero. And I read it before so I
18 can get to know what's the opinion of the TCA, and
19 then I talk about it with them to see what their
20 opinion is. And sometimes they agree on what the
21 findings are and sometimes they don't, but that's the
22 process. If the reports of the TCA or the opinion of
23 the secretary of justice were that everything is
24 perfect in the police reform, I would doubt that.

25 I don't know if it's called the same, but

Part 1 - Fourth Public Hearing

1 when I was in private practice we see the JTS. I
2 imagine that now it's all electronic. And I can be
3 in favor or against the determination of the court,
4 but I have to know it. I think the best analogy,
5 Your Honor, is to be up-to-date with what happens in
6 The Reform.

7 There's been controversy in which I've asked
8 for them to be corrected. And there's been
9 controversy that I have backed the decision of the
10 superintendent, but one has to be hands-on in what's
11 happening with The Reform to be able to react and not
12 only to react but to be pro active in order to comply
13 with the agreement reached with the federal
14 Department of Justice.

15 THE COURT: But let me say that, as of
16 today, I think it was yesterday in the evening, some
17 comments were filed regarding the last report, and I
18 think that these comments, and they're public, are
19 excellent. They mention the areas that are most
20 negatively stated in the report.

21 We're talking about, like I said, there
22 could be some As, some Bs and some Ds, but the
23 reaction of the Department of Justice I think has
24 been, and throughout all this time, it's been
25 excellent; because it's not that this happened and

Part 1 - Fourth Public Hearing

1 this happened, it's just that we differ regarding a
2 few things, this is the issue. But instead of going
3 back and forth, they're saying, We're taking these
4 steps to cure these issues and improve on this.

5 And counsel is here who prepared it with the
6 secretary of justice, and I wanted to commend them
7 because I think that this has been -- all of them
8 have been very good but this one has been very
9 concise; it's eight pages and they go straight to the
10 point.

11 And what the police is saying is we differ
12 from the TCA in this or that but, no excuses, this is
13 what we're going to do and this is what we've been
14 doing. Do you believe that's how the government
15 should react?

16 GOVERNOR GARCÍA-PADILLA: I haven't read the
17 one from last night but, yes, it has to be like that.
18 It has to be like that. The police reform cannot be
19 seen in a contentious perspective -- the Court, the
20 parties, it cannot be seen like that.

21 There's two parties here: The police and
22 the country. The country has some claims and the
23 police has a duty. The police has to comply with
24 protecting the country and that the people feel
25 protected by the police. Those are the parties. And

Part 1 - Fourth Public Hearing

1 the relationship cannot be contentious. It cannot be
2 like that.

3 THE COURT: And let me comment on something
4 you said. I'd never seen it this way but I think is
5 very curious. As governor you represent the police
6 but you also represent the people of Puerto Rico, so
7 basically -- because the government of the United
8 States is in the case but it's for the citizens, for
9 the people of Puerto Rico, U.S. citizens and whatever
10 foreigners that are here, but basically you are
11 representing both parties. So, it's a sui generis
12 role as well from your point of view, and I'd never
13 thought of it like that.

14 But I want to now briefly talk about one of
15 the subjects that's been the one that I know most
16 about in The Reform and one of my favorite ones. All
17 of them are very important, but this has been one
18 I've had a lot of opportunity to go into, which is
19 the police academy.

20 You've spoken about your policy and your
21 administration regarding the police academy. And
22 obviously this academy is important because it's
23 backed by The Reform. I, as a judge, was not
24 involved but it was more an agreement that was
25 reached within the parties to have this type

Part 1 - Fourth Public Hearing

1 of academy.

2 And personally I went to two of the award
3 ceremonies that occurred where the now Colonel
4 Clementina Vega promoted. And I also went to the
5 graduation that you had to go to Washington, D.C., we
6 know why. But I was there and the secretary of state
7 was there in your place, which was of all the police
8 that were graduating including municipal police
9 officers. And it was an incredible experience.

10 I also had one visit at the academy where I
11 saw the use of batons, the use of Tasers. On another
12 visit I wasn't there, but the monitor volunteered to
13 be Tased, and he survived. But I think that the
14 academy is very important.

15 And you also as an attorney and obviously I
16 as a judge, and of course I am an attorney, the
17 Puerto Rico Supreme Court constantly issues decisions
18 based on the bill of rights; the Supreme Court of the
19 United States also does so. Very recently one of the
20 last opinions gives more tools the police officers to
21 stop people and contains parameters which gives more
22 flexibility for the Terry stops.

23 And if it's a case of mistaken identity,
24 before you make a mistake -- for example, if an
25 officer in a patrol car asks for a license, and

Part 1 - Fourth Public Hearing

1 initially when they stopped somebody it was illegal.
2 If the person later had something pending or a
3 criminal record, they can arrest them. And the
4 Supreme Court in a very dissenting opinion from Judge
5 Sotomayor, it gives a lot of flexibility to make the
6 arrest for these types of things.

7 And I think it's also important for the
8 academy that the police officers -- for example, one
9 of the things that I've spoken about with Colonel
10 Fraley who is here, which is important, because
11 tomorrow an opinion from the Supreme Court can come
12 down that can help the police, but there can come
13 down one saying that this type of arrest is illegal.

14 Just like you said, someone entered the
15 academy and they retired 30 years later, and they
16 would hit someone with the nightstick like they
17 learned 30 years ago. And if it's not legal, then
18 the decision of the Supreme Court they don't know it.
19 And I believe the academy will help tremendously with
20 this endeavor in the sense that there's lawyers,
21 officers that must be instructed that that practice
22 cannot be done anymore. Because it isn't enough to
23 say that it's a memorandum, they have to go back to
24 the academy to be trained.

25 What do you believe regarding that? I think

Part 1 - Fourth Public Hearing

1 you agree with me, but I think that the academy is
2 one of the most important things we have here.

3 GOVERNOR GARCÍA-PADILLA: Yes. It has its
4 duty. We also encourage police officer to have an
5 academic degree. The academy doesn't handle that.
6 When they already at the academy they must already
7 know that. So, if a person of that culture arrives
8 at the police academy, it's not our job to give them
9 that academic degree. We have to train them as
10 police officers.

11 So, I remember that beginning the new
12 academy a cadet complained that he had to work a lot.
13 And I remember the answer that the colonel gave
14 publically, she said, "This isn't a summer camp."
15 And I thought it was very eloquent. We're going to
16 train police officers there, men and women, who must
17 be prepared to react accordingly in situations of a
18 lot of stress, in situations of a lot of complexity.

19 Recently I was informed by the
20 superintendent by the superintendent and the
21 secretary of justice of a case very recently where
22 some police officers did not tend to the intervention
23 they had to do where a person that was transsexual
24 was involved in this situation. And what this shows
25 us is that we have continuous work to do with the

Part 1 - Fourth Public Hearing

1 police just like military personnel have to go to
2 continuing education for training, just like
3 attorneys have to go to continuing education, just
4 like doctors have to go to continuing education.

5 So, the duties of the police officer in our
6 society cannot continue to be -- and thank God we're
7 seeing less and less cases of police misconduct.
8 They're function is vital in our society. So, it's
9 not only the 900 hours that they have to graduate --
10 more than 900 plus hours. It's not only the training
11 that they receive there, but it's the training they
12 have to receive every year.

13 Just to give you an example, on a particular
14 day the Supreme Court resolved that one must have
15 probable cause to go into the rights of privacy when
16 intervening with a citizen. That just happened one
17 day, it hadn't happened before. And one day the
18 Supreme Court of Puerto Rico decided that before
19 arresting somebody or while under arrest you had to
20 tell them that they had a right to remain silent,
21 that anything they say can be used against them in a
22 court of law, that they had a right to an attorney.

23 And then the Supreme Court in the case of
24 *Miranda versus Arizona*, if I'm not mistaken, they
25 added that if they don't have an attorney, one will

Part 1 - Fourth Public Hearing

1 be provided for you. But that wasn't there before.
2 So, police officers who continue arresting -- and I
3 imagine it still happens in court -- have the case
4 thrown out because the admission of a detainee, if
5 challenged when it was submitted, the police officer
6 had not read that person their rights. So, that's
7 something the police officer has to know; he/she has
8 to be trained to do it. One does what one is trained
9 to do. So, not only do I agree, it's a requirement
10 which doesn't work without The Reform.

11 THE COURT: Well, Governor, it's almost
12 three o'clock and I know that you have many other
13 commitments.

14 GOVERNOR GARCÍA-PADILLA: I prefer to be
15 here than to tend to some of the other commitments.

16 THE COURT: I can give you an injunction and
17 you can stay here until November 9th.

18 GOVERNOR GARCÍA-PADILLA: Preferably in one
19 of the other rooms that are more protected, I have no
20 problem.

21 THE COURT: Well, thank you very much.
22 You're excused. And I'll ask if any other parties
23 wants to react to any of this. We haven't concluded
24 the hearing, but, Governor, you may be excused. And
25 within the next four-year term the monitor and I

Part 1 - Fourth Public Hearing

1 would love to hear from you again so you can share
2 your perspective on The Reform. Thank you.

3 GOVERNOR GARCÍA-PADILLA: Thank you, Your
4 Honor. Permission to withdraw. Can I be excused,
5 Your Honor.

6 THE COURT: Yes you may. Granted.

7 Well, before recessing, I would like to give
8 a brief opportunity, a minute or two, to the
9 secretary of justice and Mr. Saucedo, if they want to
10 make any last remarks before we close our hearing.
11 And the monitor, I'll give you 30 seconds because if
12 I don't give him a limit, he can be here until 5:00.
13 So, if the monitor wants to make a very brief
14 comment, as well as any other party, you're welcome.
15 Mr. Saucedo.

16 MR. SAUCEDO: Your Honor, we want to thank
17 the Court again for giving us all an opportunity to
18 listen to the governor and to listen about his
19 priorities and what worked and what needs to remain
20 as part of this case.

21 All of these cases demand a lot of attention
22 around the country. Today we issued findings in
23 Baltimore, Maryland after an extensive investigation
24 there. So, this work is difficult but it's
25 necessary. And we want to thank the Commonwealth for

Part 1 - Fourth Public Hearing

1 being a partner with us and implementing this
2 agreement.

3 THE COURT: And I think having the governor
4 here come to the hearing voluntarily sets a
5 precedent; because you have mayors, city officials,
6 who may not want to come voluntarily, and at least
7 you can say if the governor comes, there's no reason
8 why you cannot come. So, thank you very much.

9 Attorney Miranda.

10 ATTORNEY GENERAL MIRANDA: Your Honor, I
11 echo the commitment of Attorney Saucedo on behalf of
12 the federal department of justice. This is a matter
13 of working as a team for the people of Puerto Rico.

14 It has been my honor to work directly in
15 this group and I am extremely proud of the work done
16 by the attorneys of the justice department. They
17 have been fully devoted and committed to the police
18 department. They have identified the communities
19 that have clamored for their rights to be heard. We
20 are not here to deviate the knowledge of the people
21 when there's a violation. When there is a violation,
22 we want it to be known. And this is the instruction
23 to all of the attorneys of the Department of Justice.
24 We're not here to hide anything.

25 Recently there was a case against a

Part 1 - Fourth Public Hearing

1 transsexual young person and we took immediate
2 action. When Mr. Claudio, the TCA, points out
3 anything we're not going to hide anything. We're
4 going to correct it. This is what the people of
5 Puerto Rico can expect from each one of us.

6 And I thank you for mentioning the
7 participation of the young attorneys of the justice
8 department. We have much talent in Puerto Rico. You
9 were the solicitor general of this country and you
10 know all of the talent that we have. And these
11 attorneys are proud to represent the people of Puerto
12 Rico and they are proud to safeguard the interest of
13 the people.

14 This is the position we had and we will
15 continue assuming this position and always in harmony
16 with the TCA. The police department and the
17 representatives of the justice department, and
18 obviously with your support, Your Honor, which has
19 been very, very good for us and we appreciate it.
20 It's invaluable.

21 THE COURT: Thank you very much. Yes, for
22 purposes of the record, *procurador general* in English
23 is solicitor general.

24 We're going to conclude now with some brief
25 comments from the TCA. He didn't know I was going to

Part 1 - Fourth Public Hearing

1 ask him to speak, but since he's here he's free to
2 make some brief comments, and any question that you
3 want to ask the TCA about this hearing in particular
4 he has been authorized by me to address the press
5 after we conclude this session.

6 And the last thing I want to say before I
7 forget, this is the fourth public hearing. This
8 fourth public hearing will continue on September 1st
9 and 2nd in Mayagüez. The reason why we did this
10 special session is because to take the governor to
11 Mayagüez he had to go in a car for two hours or in a
12 helicopter, and that will be too cumbersome for him.
13 This is why we held this special session here, but
14 this is part of the public hearing in Mayagüez. And,
15 once again, we commend the governor for being here.
16 We thought it would be an hour and he was here two
17 hours. So, the fourth public hearing will continue
18 September 1st and 2nd in the west coast in Mayagüez.

19 So, Mr. Claudio, you're the only thing that
20 keeps us here from leaving. Take your time, but
21 whether you speak in English or Spanish, any
22 commentaries are welcome.

23 TCA CLAUDIO: Thank you, Your Honor. And I
24 thank Your Honor for giving us the opportunity to
25 express ourselves in front of you, the parties, and

Part 1 - Fourth Public Hearing

1 the superintendent.

2 But there's some people here who are also so
3 important. We have representatives of the Dominican
4 community, Mr. Rodriguez. We have Papo Christian who
5 is also present here. We also have Tati Escobar from
6 Ponce --

7 THE COURT: So, we'll probably see them in
8 Ponce again.

9 TCA CLAUDIO: Yes. This is a team effort
10 between the TCA, the police department or the
11 secretary, and the community. I want to say that the
12 conversations with the superintendent will continue.
13 They are fun, they fruitful. And yesterday we had a
14 specific meeting regarding some operations that
15 obviously we cannot mention today, but these are the
16 times that people should understand that there is
17 daily conversation with the police department of
18 Puerto Rico.

19 I've always said that Colonel Clementina
20 Vega and her reform team, the TCA team, us, we are in
21 constant communication and we meet every month with
22 the new attorneys, like they say, to forge the future
23 of the police department in Puerto Rico in terms of
24 policies, general orders, instruction, training,
25 philosophy, professionalizing this elite group that

Part 1 - Fourth Public Hearing

1 my father was a part of. On his behalf we assure
2 Your Honor that my team will move on and continue
3 this mission performing so that this reform takes
4 place.

5 And with the governor's declaration today,
6 his statements, and with the department of justice
7 through Mr. Saucedo with the secretary of justice
8 César Miranda, I believe today we have solidified a
9 crucial moment within the police reform so that this
10 will become a reality not only for us but for the
11 people of Puerto Rico.

12 THE COURT: Thank you. And we have hereby
13 concluded these proceedings. Tomorrow we will go to
14 Ponce, Puerto Rico and we'll be continue discussing
15 The Reform for the health department. We will
16 continue there tomorrow. Thanks for being here and
17 see you soon.

18 (Public Hearing concluded at 3:03 p.m.)

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Part 1 - Fourth Public Hearing

1 UNITED STATES DISTRICT COURT)
2 OF) ss.
3 PUERTO RICO)
4
5
6

CERTIFICATE

7
8
9
10 I, EVILYS E. CARRIÓN-ESQUILÍN, hereby
11 certify that the proceedings are contained fully and
12 accurately, to the best of my ability, in the notes
13 recorded stenographically by me through the use of
14 Spanish interpreters, at the public hearing in the
15 above matter; and that the foregoing is a true and
16 accurate transcript of the same.
17

18 /s/ Evilys E. Carrión-Esquilín

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